

Nedra P. Taylor CLERK AND RECORDER BY: S. J. Johnson FEE: \$0.00

**RESOLUTION NO. 1972  
RAVALLI COUNTY, MONTANA**

**A RESOLUTION TO CREATE THE YERIAN-MIHARA VOLUNTARY ZONING DISTRICT  
BOUNDARIES**

WHEREAS, the Board of County Commissioners held a public meeting on September 5, 2006, to consider adoption of this resolution; and,

WHEREAS, adequate public notice of the meeting was provided; and,

WHEREAS, more than 60 percent of the freeholders in the proposed district have signed a petition as verified by Nedra P. Taylor, Clerk and Recorder, (Exhibit 1) requesting that the Board of County Commissioners create a zoning district with certain proposed regulations (Exhibit 2); and,

WHEREAS, the proposed district is not currently zoned and is located in the unincorporated area of the county; and,

WHEREAS, the proposed district contains more than 40 acres; and,

WHEREAS, no part of this district has been included in a previous attempt to create a zoning district within the last year; and,

WHEREAS, this district shall become null and void if freeholders representing 50 percent or more of the land area in the district protest its creation within 30 days from the date of this resolution; and,

WHEREAS, the creation of the district is consistent with and furthers the intent of the Ravalli County Growth Policy; and,

WHEREAS, we find the creation of this district to be in the public interest or convenience because it will further the health, safety, and general welfare of the citizens within the proposed district and Ravalli County by establishing an appropriate development pattern; and,

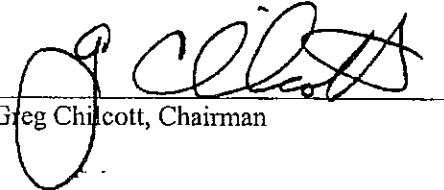
WHEREAS, each of the landowners living within the district will share in the benefits and costs of the district;

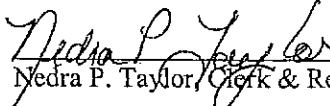
NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby establishes the Yerian-Mihara Voluntary Zoning District consisting of that area as described in Exhibit 2 and shown in Exhibit 3.

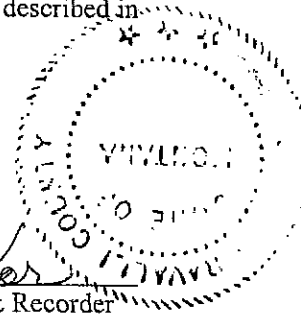
Adopted this 5<sup>th</sup> day of September, 2006

BOARD OF COUNTY COMMISSIONERS

ATTEST

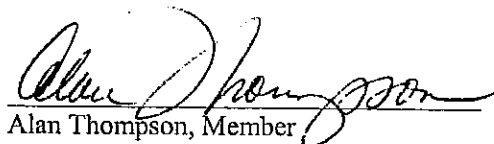
  
Greg Chilcott, Chairman

  
Nedra P. Taylor, Clerk & Recorder



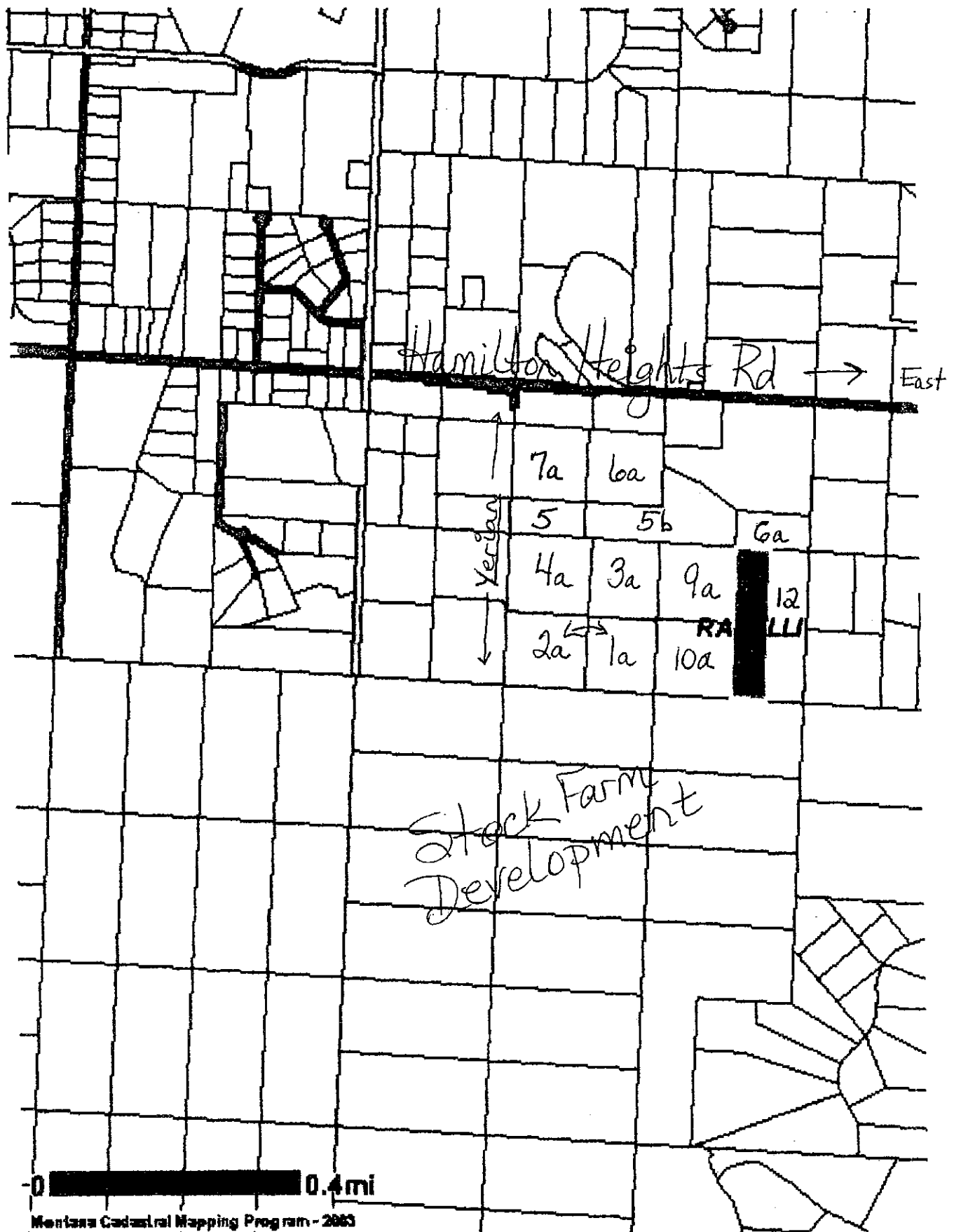
Ret: Commissioners Office

  
Betty T. Lund, Member

  
Alan Thompson, Member

Attachments:

- |           |  |
|-----------|--|
| Exhibit 1 | Petition Verification from Nedra P. Taylor dated August 1, 2006  |
| Exhibit 2 | Proposed Zoning District Regulations and legal description of the District as submitted by Petitioners |
| Exhibit 3 | Map of the District  |



PROPOSED YERIAN-MIHARA  
VOLUNTARY ZONING DISTRICT

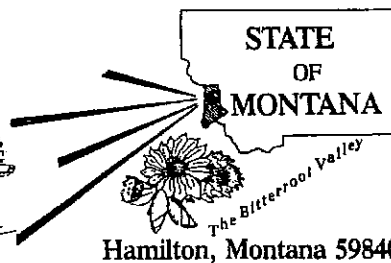
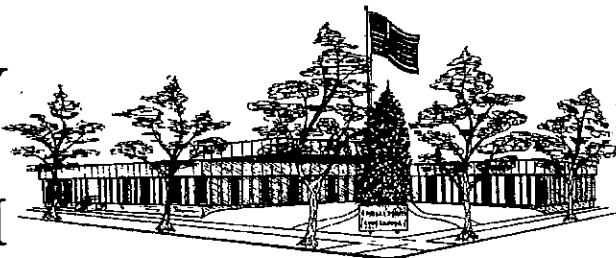
Hamilton Heights---Block 4

Cornillier, Victor & Sarah	186110	AP 574 Lt 5-B
Mc Cluskey, Lyn	186330	AP 808 Lt 4-A
Christensen, Lyn J Tr	186300	AP 808 Lt 3-A
of Stone Pony Bakery & Café PSP & Trust		
Rousoff, Joseph M & Rose C Trs	139490	AP 642 Lt 6-A
Freeman, Ronnie	186350	AP 516269 Lt 2-A
	196310	AP 516269 Lt 1-A
Neville, John W & Laura E	139400	AP 642 Lt 7-A
A/B Family Trust		
Shatney, James A & Irene M	139410	W ½ Lt 5

Hamilton Heights---Block 5

Reid, Grant R Tr (NPI)	186340	AP 1006 Lt 10-A
Philips, earl & Karen Gaddis	186120	Lt 12
Armet, Michele Tr	186320	AP 1006 Lt 9-A
Horwich, John L & Pamela L	186200	Lt 11
Brewer, Paul R & Bonnie K Tr	186130	AP 574 Lt 6-A & 6-B_

# COUNTY OF RAVALLI



August 1, 2006

TO: Ravalli County Planning

FROM: Ravalli County Clerk & Recorder

RE: Proposed Yerian-Mihara Voluntary Zoning District

*Nedra A. Taylor*

Attached you will find the proposed Yerian-Mihara voluntary zoning district map and list of landowners within the out-lined district.

Enclosed are signed and notarized petitions for 68% of the free holders within the purposed voluntary zoning district. I have attached the legal descriptions to each signed petition and have also included the legal descriptions of the other land owners in the proposed area.

If you require further assistance, please contact me.

**PETITION FOR VOLUNTARY ZONING DISTRICT  
YERIAN-MIHARA DISTRICT  
RAVALLI COUNTY, MONTANA**

The undersigned owners of property within the proposed district, hereby petition the County Commissioners of Ravalli County, Montana to establish the Yerian-Mihara Voluntary Zoning District, pursuant to the following terms and conditions:

Property Within the District. The following properties shall be within the Yerian-Mihara Voluntary Zoning District:

Township 6 North, Range 20 West, Section 15, Hamilton Heights:  
Block 4, Lots 1-A, 2-A, 3-A, and 4-A, 5, 5-B, 6-A and 7A  
Block 5, Lots 5-B, 6-A, 9-A, 10-A, 11 and 12

Area Within the District. The area within the District is approximately 110.32 acres.

Development Pattern. The following development pattern provisions are proposed for the Yerian-Mihara Voluntary Zoning District:

1. The minimum lot size shall be determined by lot sizes existing on January 1, 2006. No lot shall be further divided or subdivided after January 1, 2006.
2. All lots are restricted to residential and agricultural use only, except as otherwise provided in paragraph 3 below.
3. No more than one single-family dwelling shall be permitted on any lot, provided that this restriction shall not prohibit (a) reasonable accommodations for the temporary housing of guests and family not to exceed 6 months in any 12 month period, whether or not such accommodations are part of or separate from the main residential dwelling, or (b) the conduct of a home occupation as long as the office or facilities for such are contained entirely within the main residential dwelling and as long as the main residential dwelling is used as a dwelling. Nothing in this paragraph shall exempt from county subdivision review any activity that would otherwise be subject to such review.
4. All residences, structures, and buildings shall be setback from property lines at least 25 feet.

Nonconforming Uses and Structures. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans or construction of any building on which actual construction was lawfully begun prior to the effective date of these regulations. A lawful use of land existing on the effective date of these regulations, made no longer permissible by these regulations, may be continued so long as it remains otherwise lawful.

Variances.

Procedures for Variance Requests

1. Applications for a variance to the Board of County Commissioners may be submitted by any person by filing an Application for Variance with the Ravalli County Planning Department. Application forms shall be available at the Ravalli County Planning Department. Fees shall be required to be paid by the applicant in the amounts established in a fee schedule adopted by the Ravalli County Commissioners.
2. The Application for Variance must identify the applicant, identify the property at issue, identify the owner of the property and explain the relationship between the applicant and owner (if different), describe the factual background and particulars of the variance requested, set forth the specific reasons for requesting the variance, and explain how the applicant believes the variance criteria set forth herein are satisfied. Applications for variances shall be reviewed by staff for completeness, and shall be returned to the applicant without further processing if determined not to meet the requirements of this section.
3. The Ravalli County Planning Department shall fix a reasonable time for the Board of County Commissioners hearing of the variance request.
4. The Ravalli County Planning Department shall publish two(2) notices, one (1) week apart in a newspaper of general County circulation, the first of which shall appear at least fifteen (15) days prior to the public hearing. The notice shall contain a brief description of the variance request; the location of the property; the date, time and place of the public hearing; and the statement that the application is on file for public inspection at the Planning Department.
5. The Ravalli County Planning Department shall send written notification of the variance request to the property owners according to the following procedures:
  - a. Mailing lists shall include all persons listed in the most current available data in County Records who own the subject property(s) and property in the Yerian-Mihara Voluntary Zoning District.
  - b. The mailing shall be made at least fifteen (15) days prior to the public hearing.
  - c. The notice shall contain a brief description of the nature of the application; the time, place and date of the public hearing; and the phone number and address of the Planning Department.
6. At the hearing any party may appear in person or be represented by an agent or attorney.

Requirements for Granting a Variance

1. To grant a variance the Board of County Commissioners must make findings that:
  - a. granting the variance will not be contrary to the public interest or injurious to the neighborhood; and
  - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
  - c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue.
2. Neither the permitted nor nonconforming use of other lands, structures or buildings in the jurisdiction is grounds for the issuance of a variance.
3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for variance purposes.

Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.

This PETITION is submitted as of the 15<sup>th</sup> day of May, 2006.



The undersigned property owners hereby join in this PETITION FOR VOLUNTARY  
ZONING DISTRICT: YERIAN-MIHARA DISTRICT, RAVALLI COUNTY,  
MONTANA

Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 5, Lot 6-A:

Paul R. Brewer Trustee  
Paul R. Brewer, Trustee  
353 Crestview Way  
Auburn, CA

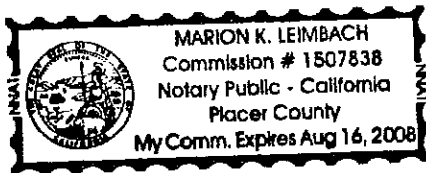
Bonnie K. Brewer Trustee  
Bonnie K. Brewer, Trustee  
353 Crestview Way  
Auburn, CA

On this 15<sup>th</sup> day of May, 2006, before me the undersigned Notary for the State  
of California, personally appeared Bonnie K. Brewer and  
Paul R. Brewer known to me (or proved to me on the oath of  
Marion K. Leimbach, Notary)

To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written.

Marion K. Leimbach  
Notary for the State of California  
Residing at County of Placer  
My commission expires: 8-16-2008



07/20/06

RAVALLI COUNTY  
Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description
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186130		
BREWER PAUL R & BONNIE K TR.		HHE-HAMILTON HEIGHTS
353 CRESTVIEW WAY	- 005	HAMILTON HEIGHTS
AUBURN CA 95603-3612		PT LOTS 5 & 6 BLK 5
		AMEND SUB PLAT #574 LOT 6-A
		4.83 AC
		Geocode: 1468-15-3-01-11-0000
Class	Dist	Quantity Market Taxable/\$
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4-2101 TRACT LAND	1-3	4.83 30945 972.00
99-0031 BITTERROOT IRRIGATION	31	4.70 0 94.00
99-0042 HAMILTON LIBRARY	42	0.00 0 979.00
99-0051 SOIL & WATER CONSERVATION	51	0.00 0 979.00
99-0072 WILLOW CREEK DRAINAGE	72	0.00 0 979.00
99-0125	125	0.00 0 0.00
99-0131 BITTERROOT IRRIGATION	131	1.00 0 160.00
*****		

**PETITION FOR VOLUNTARY ZONING DISTRICT  
YERIAN-MIHARA DISTRICT  
RAVALLI COUNTY, MONTANA**

The undersigned owners of property within the proposed district, hereby petition the County Commissioners of Ravalli County, Montana to establish the Yerian-Mihara Voluntary Zoning District, pursuant to the following terms and conditions:

Property Within the District. The following properties shall be within the Yerian-Mihara Voluntary Zoning District:

Township 6 North, Range 20 West, Section 15, Hamilton Heights:  
Block 4, Lots 1-A, 2-A, 3-A, and 4-A, 5, 5-B, 6-A and 7A  
Block 5, Lots 5-B, 6-A, 9-A, 10-A, 11 and 12

Area Within the District. The area within the District is approximately 110.32 acres.

Development Pattern. The following development pattern provisions are proposed for the Yerian-Mihara Voluntary Zoning District:

1. The minimum lot size shall be determined by lot sizes existing on January 1, 2006. No lot shall be further divided or subdivided after January 1, 2006.
2. All lots are restricted to residential and agricultural use only, except as otherwise provided in paragraph 3 below.
3. No more than one single-family dwelling shall be permitted on any lot, provided that this restriction shall not prohibit (a) reasonable accommodations for the temporary housing of guests and family not to exceed 6 months in any 12 month period, whether or not such accommodations are part of or separate from the main residential dwelling, or (b) the conduct of a home occupation as long as the office or facilities for such are contained entirely within the main residential dwelling and as long as the main residential dwelling is used as a dwelling. Nothing in this paragraph shall exempt from county subdivision review any activity that would otherwise be subject to such review.
4. All residences, structures, and buildings shall be setback from property lines at least 25 feet.

Nonconforming Uses and Structures. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans or construction of any building on which actual construction was lawfully begun prior to the effective date of these regulations. A lawful use of land existing on the effective date of these regulations, made no longer permissible by these regulations, may be continued so long as it remains otherwise lawful.

Variances.

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6. At the hearing any party may appear in person or be represented by an agent or attorney.

Requirements for Granting a Variance

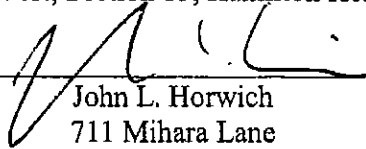
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  - c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue.
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3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for variance purposes.

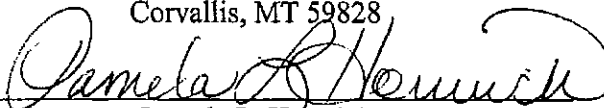
Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.

This PETITION is submitted as of the 12<sup>th</sup> day of July, 2006.

The undersigned property owners hereby join in this PETITION FOR VOLUNTARY  
ZONING DISTRICT: YERIAN-MIHARA DISTRICT, RAVALLI COUNTY,  
MONTANA

Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 5, Lot 11:

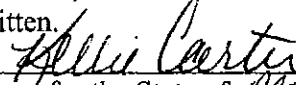
  
\_\_\_\_\_  
John L. Horwich  
711 Mihara Lane  
Corvallis, MT 59828

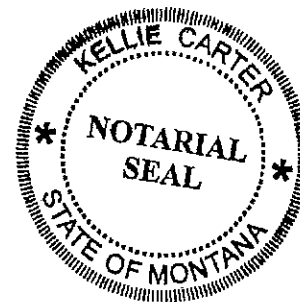
  
\_\_\_\_\_  
Pamela L. Horwich  
711 Mihara Lane  
Corvallis, MT 59828

On this 12<sup>th</sup> day of July, 2006, before me the undersigned Notary for the State  
of Montana, personally appeared John L. Horwich and  
Pamela L. Horwich known to me (or proved to me on the oath of  
\_\_\_\_\_)

To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written.

  
\_\_\_\_\_  
Notary for the State of Montana  
Residing at Leid, Montana  
My commission expires: March 6, 2010



STATE OF MONTANA RAVALLI COUNTY  
 RECORDED: 09/05/2006 4:03 RESOLUTION

577024

Page 15 of 51

07/20/06

RAVALLI COUNTY  
 Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description		
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186200				
HORWICH JOHN L & PAMELA L		HHE-HAMILTON HEIGHTS		
711 MIHARA LN	011- 005	HAMILTON HEIGHTS		
CORVALLIS MT 59828-9378		LOT 11 BLK 5		
		9.98 AC		
		Geocode: 1468-15-3-01-08-0000		
Class	Dist	Quantity	Market	Taxable/\$
-----				
4-2101 TRACT LAND	1-3	9.98	43555	1368.00
4-3301 IMPS ON RURAL LAND	1-3	0.00	102299	3212.00
99-0031 BITTERROOT IRRIGATION	31	8.00	0	160.00
99-0042 HAMILTON LIBRARY	42	0.00	0	4691.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	4691.00
99-0072 WILLOW CREEK DRAINAGE	72	0.00	0	1368.00
99-0131 BITTERROOT IRRIGATION	131	1.00	0	160.00
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RAVALLI COUNTY, MONTANA**

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Requirements for Granting a Variance

1. To grant a variance the Board of County Commissioners must make findings that:
  - a. granting the variance will not be contrary to the public interest or injurious to the neighborhood; and
  - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
  - c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue.
2. Neither the permitted nor nonconforming use of other lands, structures or buildings in the jurisdiction is grounds for the issuance of a variance.
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Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.

This PETITION is submitted as of the 12<sup>th</sup> day of July, 2006.

The undersigned property owners hereby join in this PETITION FOR VOLUNTARY  
ZONING DISTRICT: YERIAN-MIHARA DISTRICT, RAVALLI COUNTY,  
MONTANA

Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 5, Lot 9-A:

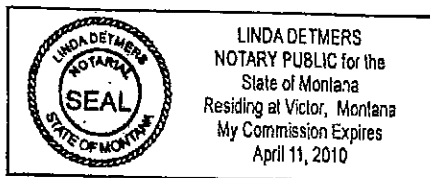
Michelle A. Arnet  
Michelle A. Arnet, Trustee of Michele A. Arnet Trust

On this 12 day of MAY, 2006, before me the undersigned Notary for the State  
of MONTANA, personally appeared Michele ANN ARNET  
known to me (or proved to me on the oath of

\_\_\_\_\_)  
To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that She executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written.

Linda Detmers  
Notary for the State of Montana  
Residing at Victor  
My commission expires: April 11, 2010



07/20/06

RAVALLI COUNTY  
 Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description		
186320				
ARMET MICHELE A TRUSTEE OF	HHE-HAMILTON HEIGHTS			
ARMET MICHELE A TRUST	- 005 HAMILTON HTS			
999 INSPIRATION WAY	PT LOTS 9 & 10 BLK 5			
VENTURA CA 93001-3080	AMEND SUB PLAT #1006 LOT 9-A			
	9.80 AC			
	Geocode: 1468-15-3-01-12-0000			
Class	Dist	Quantity	Market	Taxable/\$
4-2101 TRACT LAND	1-3	9.80	43115	1354.00
4-3301 IMPS ON RURAL LAND	1-3	0.00	110793	3479.00
99-0031 BITTERROOT IRRIGATION	31	7.40	0	148.00
99-0042 HAMILTON LIBRARY	42	0.00	0	665.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	665.00
99-0131 BITTERROOT IRRIGATION	131	1.00	0	160.00
99-0272 WILLOW CREEK DRAINAGE	272	0.00	0	3.45

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**PETITION FOR VOLUNTARY ZONING DISTRICT  
YERIAN-MIHARA DISTRICT  
RAVALLI COUNTY, MONTANA**

The undersigned owners of property within the proposed district, hereby petition the County Commissioners of Ravalli County, Montana to establish the Yerian-Mihara Voluntary Zoning District, pursuant to the following terms and conditions:

Property Within the District. The following properties shall be within the Yerian-Mihara Voluntary Zoning District:

Township 6 North, Range 20 West, Section 15, Hamilton Heights:  
Block 4, Lots 1-A, 2-A, 3-A, and 4-A, 5, 5-B, 6-A and 7A  
Block 5, Lots 5-B, 6-A, 9-A, 10-A, 11 and 12

Area Within the District. The area within the District is approximately 110.32 acres.

Development Pattern. The following development pattern provisions are proposed for the Yerian-Mihara Voluntary Zoning District:

1. The minimum lot size shall be determined by lot sizes existing on January 1, 2006. No lot shall be further divided or subdivided after January 1, 2006.
2. All lots are restricted to residential and agricultural use only, except as otherwise provided in paragraph 3 below.
3. No more than one single-family dwelling shall be permitted on any lot, provided that this restriction shall not prohibit (a) reasonable accommodations for the temporary housing of guests and family not to exceed 6 months in any 12 month period, whether or not such accommodations are part of or separate from the main residential dwelling, or (b) the conduct of a home occupation as long as the office or facilities for such are contained entirely within the main residential dwelling and as long as the main residential dwelling is used as a dwelling. Nothing in this paragraph shall exempt from county subdivision review any activity that would otherwise be subject to such review.
4. All residences, structures, and buildings shall be setback from property lines at least 25 feet.

Nonconforming Uses and Structures. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans or construction of any building on which actual construction was lawfully begun prior to the effective date of these regulations. A lawful use of land existing on the effective date of these regulations, made no longer permissible by these regulations, may be continued so long as it remains otherwise lawful.

Variances.

Procedures for Variance Requests

1. Applications for a variance to the Board of County Commissioners may be submitted by any person by filing an Application for Variance with the Ravalli County Planning Department. Application forms shall be available at the Ravalli County Planning Department. Fees shall be required to be paid by the applicant in the amounts established in a fee schedule adopted by the Ravalli County Commissioners.
2. The Application for Variance must identify the applicant, identify the property at issue, identify the owner of the property and explain the relationship between the applicant and owner (if different), describe the factual background and particulars of the variance requested, set forth the specific reasons for requesting the variance, and explain how the applicant believes the variance criteria set forth herein are satisfied. Applications for variances shall be reviewed by staff for completeness, and shall be returned to the applicant without further processing if determined not to meet the requirements of this section.
3. The Ravalli County Planning Department shall fix a reasonable time for the Board of County Commissioners hearing of the variance request.
4. The Ravalli County Planning Department shall publish two(2) notices, one (1) week apart in a newspaper of general County circulation, the first of which shall appear at least fifteen (15) days prior to the public hearing. The notice shall contain a brief description of the variance request; the location of the property; the date, time and place of the public hearing; and the statement that the application is on file for public inspection at the Planning Department.
5. The Ravalli County Planning Department shall send written notification of the variance request to the property owners according to the following procedures:
  - a. Mailing lists shall include all persons listed in the most current available data in County Records who own the subject property(s) and property in the Yerian-Mihara Voluntary Zoning District.
  - b. The mailing shall be made at least fifteen (15) days prior to the public hearing.
  - c. The notice shall contain a brief description of the nature of the application; the time, place and date of the public hearing; and the phone number and address of the Planning Department.
6. At the hearing any party may appear in person or be represented by an agent or attorney.

Requirements for Granting a Variance

1. To grant a variance the Board of County Commissioners must make findings that:
  - a. granting the variance will not be contrary to the public interest or injurious to the neighborhood; and
  - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
  - c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue.
2. Neither the permitted nor nonconforming use of other lands, structures or buildings in the jurisdiction is grounds for the issuance of a variance.
3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for variance purposes.

Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.

This PETITION is submitted as of the 12<sup>th</sup> day of July, 2006.

The undersigned property owners hereby join in this PETITION FOR VOLUNTARY  
ZONING DISTRICT: YERIAN-MIHARA DISTRICT, RAVALLI COUNTY,  
MONTANA

Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 5, Lot 12:

Earl Philips  
Earl Philips  
725 Mihara Lane  
Corvallis, MT 59828

Karen Gaddis Philips  
Karen Gaddis Philips  
725 Mihara Lane  
Corvallis, MT 59828

On this 10 day of May, 2006, before me the undersigned Notary for the State  
of Montana, personally appeared Earl Philips & Karen Gaddis Philips  
known to me (or proved to me on the oath of  
MT DL)

To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that the y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written.

Deborah S Green / Deborah S Green  
Notary for the State of Montana  
Residing at Hamilton  
My commission expires: November 1, 2007



DEBORAH S. GREEN  
NOTARY PUBLIC-MONTANA  
Residing at Hamilton, Montana  
My Comm. Expires Nov. 1, 2007.



07/20/06

RAVALLI COUNTY  
Property Print 2006

Page: 1

Name	TW	Rang	SC	Legal Description
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186120				
PHILIPS EARL & KAREN GADDIS				HNE-HAMILTON HEIGHTS
725 MIHARA LANE		012-	005	HAMILTON HEIGHTS
CORVALLIS MT 59828-9378				LOT 12 BLK 5
				9.72 AC
				Geocode: 1468-15-3-01-10-0000
Class	Dist	Quantity	Market	Taxable/\$
-----				
4-2101 TRACT LAND	1-3	9.72	42919	1348.00
4-3301 IMPS ON RURAL LAND	1-3	0.00	151163	4747.00
6-5001 ALL HORSES & MULES-9MOS & >	1-3	3.00	0	0.00
99-0031 BITTERROOT IRRIGATION	31	6.50	0	130.00
99-0042 HAMILTON LIBRARY	42	0.00	0	6123.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	6123.00
99-0072 WILLOW CREEK DRAINAGE	72	0.00	0	1348.00
99-0131 BITTERROOT IRRIGATION	131	1.00	0	160.00
*****				

**PETITION FOR VOLUNTARY ZONING DISTRICT  
YERIAN-MIHARA DISTRICT  
RAVALLI COUNTY, MONTANA**

The undersigned owners of property within the proposed district, hereby petition the County Commissioners of Ravalli County, Montana to establish the Yerian-Mihara Voluntary Zoning District, pursuant to the following terms and conditions:

Property Within the District. The following properties shall be within the Yerian-Mihara Voluntary Zoning District:

Township 6 North, Range 20 West, Section 15, Hamilton Heights:  
Block 4, Lots 1-A, 2-A, 3-A, and 4-A, 5, 5-B, 6-A and 7A  
Block 5, Lots 5-B, 6-A, 9-A, 10-A, 11 and 12

Area Within the District. The area within the District is approximately 110.32 acres.

Development Pattern. The following development pattern provisions are proposed for the Yerian-Mihara Voluntary Zoning District:

1. The minimum lot size shall be determined by lot sizes existing on January 1, 2006. No lot shall be further divided or subdivided after January 1, 2006.
2. All lots are restricted to residential and agricultural use only, except as otherwise provided in paragraph 3 below.
3. No more than one single-family dwelling shall be permitted on any lot, provided that this restriction shall not prohibit (a) reasonable accommodations for the temporary housing of guests and family not to exceed 6 months in any 12 month period, whether or not such accommodations are part of or separate from the main residential dwelling, or (b) the conduct of a home occupation as long as the office or facilities for such are contained entirely within the main residential dwelling and as long as the main residential dwelling is used as a dwelling. Nothing in this paragraph shall exempt from county subdivision review any activity that would otherwise be subject to such review.
4. All residences, structures, and buildings shall be setback from property lines at least 25 feet.

Nonconforming Uses and Structures. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans or construction of any building on which actual construction was lawfully begun prior to the effective date of these regulations. A lawful use of land existing on the effective date of these regulations, made no longer permissible by these regulations, may be continued so long as it remains otherwise lawful.

Variances.

Procedures for Variance Requests

1. Applications for a variance to the Board of County Commissioners may be submitted by any person by filing an Application for Variance with the Ravalli County Planning Department. Application forms shall be available at the Ravalli County Planning Department. Fees shall be required to be paid by the applicant in the amounts established in a fee schedule adopted by the Ravalli County Commissioners.
2. The Application for Variance must identify the applicant, identify the property at issue, identify the owner of the property and explain the relationship between the applicant and owner (if different), describe the factual background and particulars of the variance requested, set forth the specific reasons for requesting the variance, and explain how the applicant believes the variance criteria set forth herein are satisfied. Applications for variances shall be reviewed by staff for completeness, and shall be returned to the applicant without further processing if determined not to meet the requirements of this section.
3. The Ravalli County Planning Department shall fix a reasonable time for the Board of County Commissioners hearing of the variance request.
4. The Ravalli County Planning Department shall publish two(2) notices, one (1) week apart in a newspaper of general County circulation, the first of which shall appear at least fifteen (15) days prior to the public hearing. The notice shall contain a brief description of the variance request; the location of the property; the date, time and place of the public hearing; and the statement that the application is on file for public inspection at the Planning Department.
5. The Ravalli County Planning Department shall send written notification of the variance request to the property owners according to the following procedures:
  - a. Mailing lists shall include all persons listed in the most current available data in County Records who own the subject property(s) and property in the Yerian-Mihara Voluntary Zoning District.
  - b. The mailing shall be made at least fifteen (15) days prior to the public hearing.
  - c. The notice shall contain a brief description of the nature of the application; the time, place and date of the public hearing; and the phone number and address of the Planning Department.
6. At the hearing any party may appear in person or be represented by an agent or attorney.

Requirements for Granting a Variance

1. To grant a variance the Board of County Commissioners must make findings that:
  - a. granting the variance will not be contrary to the public interest or injurious to the neighborhood; and
  - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
  - c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue.
2. Neither the permitted nor nonconforming use of other lands, structures or buildings in the jurisdiction is grounds for the issuance of a variance.
3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for variance purposes.

Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.

This PETITION is submitted as of the 12<sup>th</sup> day of July, 2006.

The undersigned property owners hereby join in this PETITION FOR VOLUNTARY  
ZONING DISTRICT: YERIAN-MIHARA DISTRICT, RAVALLI COUNTY,  
MONTANA

Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 5, Lot 10-A:

Reid R. Grant, Trustee  
Reid R. Grant, Trustee  
5225 Winding Bank Road  
Virginia Beach, VA 23455

On this 25<sup>th</sup> day of May, 2006, before me the undersigned Notary for the State  
of Kentucky, personally appeared Reid Robert Grant  
\_\_\_\_\_ known to me (or proved to me on the oath of  
\_\_\_\_\_)

To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written.

Melissa Boone  
Notary for the State of Kentucky  
Residing at 1800 S Hwy 53 LAGRANGE  
My commission expires: June 06, 2009



07/20/06

RAVALLI COUNTY  
Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description
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186340		
BLOOM LELAND E & JOANNE M		HHE-HAMILTON HEIGHTS
% GRANT REID R TRUSTEE	NPI	- 005 HAMILTON HTS
1601 PLEASURE COVE		PT LOTS 9 & 10 BLK 5
LA GRANGE KY 40031-9352		AMEND SUB PLAT #1006 LOT
	10-A	
	9.77 AC	
	Geocode: 1468-15-3-01-45-0000	
Class	Dist	Quantity Market Taxable/\$
-----		
4-2101 TRACT LAND	1-3	9.77 43041 1351.00
99-0031 BITTERROOT IRRIGATION	31	7.40 0 148.00
99-0042 HAMILTON LIBRARY	42	0.00 0 1352.00
99-0051 SOIL & WATER CONSERVATION	51	0.00 0 1352.00
99-0072 WILLOW CREEK DRAINAGE	72	0.00 0 1352.00
99-0125	125	0.00 0 0.00
99-0131 BITTERROOT IRRIGATION	131	1.00 0 160.00
*****		

**PETITION FOR VOLUNTARY ZONING DISTRICT  
YERIAN-MIHARA DISTRICT  
RAVALLI COUNTY, MONTANA**

The undersigned owners of property within the proposed district, hereby petition the County Commissioners of Ravalli County, Montana to establish the Yerian-Mihara Voluntary Zoning District, pursuant to the following terms and conditions:

Property Within the District. The following properties shall be within the Yerian-Mihara Voluntary Zoning District:

Township 6 North, Range 20 West, Section 15, Hamilton Heights:  
Block 4, Lots 1-A, 2-A, 3-A, and 4-A, 5, 5-B, 6-A and 7A  
Block 5, Lots 5-B, 6-A, 9-A, 10-A, 11 and 12

Area Within the District. The area within the District is approximately 110.32 acres.

Development Pattern. The following development pattern provisions are proposed for the Yerian-Mihara Voluntary Zoning District:

1. The minimum lot size shall be determined by lot sizes existing on January 1, 2006. No lot shall be further divided or subdivided after January 1, 2006.
2. All lots are restricted to residential and agricultural use only, except as otherwise provided in paragraph 3 below.
3. No more than one single-family dwelling shall be permitted on any lot, provided that this restriction shall not prohibit (a) reasonable accommodations for the temporary housing of guests and family not to exceed 6 months in any 12 month period, whether or not such accommodations are part of or separate from the main residential dwelling, or (b) the conduct of a home occupation as long as the office or facilities for such are contained entirely within the main residential dwelling and as long as the main residential dwelling is used as a dwelling. Nothing in this paragraph shall exempt from county subdivision review any activity that would otherwise be subject to such review.
4. All residences, structures, and buildings shall be setback from property lines at least 25 feet.

Nonconforming Uses and Structures. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans or construction of any building on which actual construction was lawfully begun prior to the effective date of these regulations. A lawful use of land existing on the effective date of these regulations, made no longer permissible by these regulations, may be continued so long as it remains otherwise lawful.

Variances.

Procedures for Variance Requests

1. Applications for a variance to the Board of County Commissioners may be submitted by any person by filing an Application for Variance with the Ravalli County Planning Department. Application forms shall be available at the Ravalli County Planning Department. Fees shall be required to be paid by the applicant in the amounts established in a fee schedule adopted by the Ravalli County Commissioners.
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5. The Ravalli County Planning Department shall send written notification of the variance request to the property owners according to the following procedures:
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  - b. The mailing shall be made at least fifteen (15) days prior to the public hearing.
  - c. The notice shall contain a brief description of the nature of the application; the time, place and date of the public hearing; and the phone number and address of the Planning Department.
6. At the hearing any party may appear in person or be represented by an agent or attorney.



Requirements for Granting a Variance

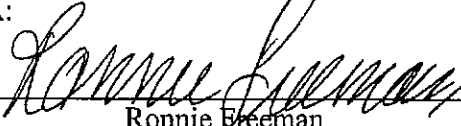
1. To grant a variance the Board of County Commissioners must make findings that:
  - a. granting the variance will not be contrary to the public interest or injurious to the neighborhood; and
  - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
  - c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue.
2. Neither the permitted nor nonconforming use of other lands, structures or buildings in the jurisdiction is grounds for the issuance of a variance.
3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for variance purposes.

Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.

This PETITION is submitted as of the 12<sup>th</sup> day of July, 2006.

The undersigned property owners hereby join in this PETITION FOR VOLUNTARY  
ZONING DISTRICT: YERIAN-MIHARA DISTRICT, RAVALLI COUNTY,  
MONTANA


Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 4, Lots 1-A and 2-A:

  
\_\_\_\_\_  
Ronnie Freeman  
310 Yerian Lane  
Corvallis, MT 59828

On this 12 day of May, 2006, before me the undersigned Notary for the State  
of MONTANA, personally appeared RONNIE FREEMAN  
\_\_\_\_\_  
known to me (or proved to me on the oath of  
\_\_\_\_\_)

To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written.

  
N. Jay Klawon  
Notary for the State of MONTANA  
Residing at HAMILTON  
My commission expires: 06 Jan 07

07/20/06

RAVALLI COUNTY  
 Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description		
186310				
FREEMAN RONNIE		HHE-HAMILTON HEIGHTS		
310 YERIAN LN	- 004	HAMILTON HEIGHTS		
CORVALLIS MT 59828-9748		PT LOTS 1 & 2 BLK 4		
		AMEND SUB PLAT #516269		
		LOT 1-A 9.89 AC		
		Geocode: 1468-15-3-01-07-0000		
Class	Dist	Quantity	Market	Taxable/\$
99-0072 WILLOW CREEK DRAINAGE	72	0.00	0	185.00
3-1101 TILLABLE IRRIGATED LAND	1-3	8.89	5266	165.00
4-2001 1 ACRE FARMSTEAD AG	1-3	1.00	581	18.00
4-3109 IMPS ON AG/TMBR OBYS	1-3	0.00	15224	478.00
4-3110 IMPS ON AG/FOREST LAND	1-3	0.00	115746	3634.00
99-0031 BITTERROOT IRRIGATION	31	9.90	0	198.00
99-0042 HAMILTON LIBRARY	42	0.00	0	4435.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	4435.00
99-0131 BITTERROOT IRRIGATION	131	1.00	0	160.00

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07/20/06

RAVALLI COUNTY  
Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description		
186350				
FREEMAN RONNIE		HHE-HAMILTON HEIGHTS		
310 YERIAN LN	- 004	HAMILTON HEIGHTS		
CORVALLIS MT 59828-9748		PT LOTS 1 & 2 BLK 4		
		AMEND SUB PLAT #516269		
		LOT 2-A 9.69 AC		
		Geocode: 1468-15-3-01-46-0000		
Split From: 186310				
Class	Dist	Quantity	Market	Taxable/\$
3-1101 TILLABLE IRRIGATED LAND	1-3	9.69	5740	180.00
99-0031 BITTERROOT IRRIGATION	31	9.60	0	192.00
99-0042 HAMILTON LIBRARY	42	0.00	0	180.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	180.00
99-0072 WILLOW CREEK DRAINAGE	72	0.00	0	180.00

\*\*\*\*\*

**PETITION FOR VOLUNTARY ZONING DISTRICT  
YERIAN-MIHARA DISTRICT  
RAVALLI COUNTY, MONTANA**

The undersigned owners of property within the proposed district, hereby petition the County Commissioners of Ravalli County, Montana to establish the Yerian-Mihara Voluntary Zoning District, pursuant to the following terms and conditions:

Property Within the District. The following properties shall be within the Yerian-Mihara Voluntary Zoning District:

Township 6 North, Range 20 West, Section 15, Hamilton Heights:  
Block 4, Lots 1-A, 2-A, 3-A, and 4-A, 5, 5-B, 6-A and 7A  
Block 5, Lots 5-B, 6-A, 9-A, 10-A, 11 and 12

Area Within the District. The area within the District is approximately 110.32 acres.

Development Pattern. The following development pattern provisions are proposed for the Yerian-Mihara Voluntary Zoning District:

1. The minimum lot size shall be determined by lot sizes existing on January 1, 2006. No lot shall be further divided or subdivided after January 1, 2006.
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6. At the hearing any party may appear in person or be represented by an agent or attorney.

Requirements for Granting a Variance

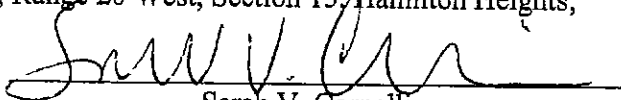
1. To grant a variance the Board of County Commissioners must make findings that:
  - a. granting the variance will not be contrary to the public interest or injurious to the neighborhood; and
  - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
  - c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
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3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for variance purposes.

Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.

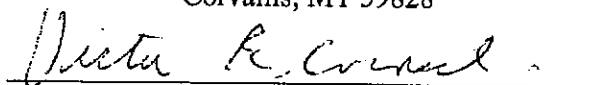
This PETITION is submitted as of the 12<sup>th</sup> day of Jul, 2006.

The undersigned property owners hereby join in this PETITION FOR VOLUNTARY  
ZONING DISTRICT: YERIAN-MIHARA DISTRICT, RAVALLI COUNTY,  
MONTANA

Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 4, Lot 5-B:

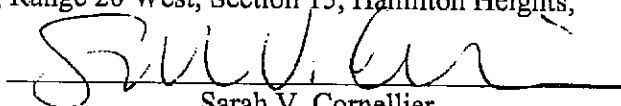


Sarah V. Cornellier  
680 Mihara Lane  
Corvallis, MT 59828

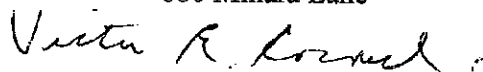


Victor E. Cornellier  
4106 Patuxent Ct.  
Dunkirk, MD 20754

Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 5, Lot 5-B:



Sarah V. Cornellier  
680 Mihara Lane

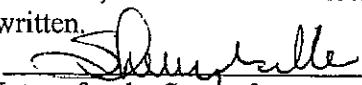


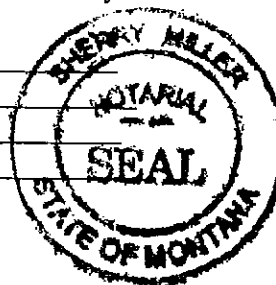
Victor E. Cornellier  
4106 Patuxent Ct.  
Dunkirk, MD 20754

On this 2 day of May, 2006, before me the undersigned Notary for the State  
of Montana, personally appeared Victor E. Cornellier &  
Sarah V. Cornellier known to me (or proved to me on the oath of

To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written.

  
Notary for the State of Montana  
Residing at Missoula  
My commission expires: 9/23/8





On this \_\_\_\_ day of \_\_\_\_\_, 2006, before me the undersigned Notary for the State  
of \_\_\_\_\_, personally appeared \_\_\_\_\_  
\_\_\_\_\_ known to me (or proved to me on the oath of \_\_\_\_\_)

To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that \_\_he\_\_ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written.

\_\_\_\_\_  
Notary for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

07/20/06

RAVALLI COUNTY  
 Property Print 2006

Page: 1

Name	TW	Rang	SC	Legal Description
-----				
186110				
CORNELLIER SARAH V & VICTOR E				HAMILTON HEIGHTS
680 MINARA LN				E1/2 LOT 5 BLK 4
CORVALLIS MT 59828-9398				PT LOTS 5 TO 8 BLK 5
				AMEND SUB PLAT #574 LOT 5-B
				12.39 AC
Geocode: 1468-15-3-01-09-0000				
Class	Dist	Quantity	Market	Taxable/\$
-----				
99-0072 WILLOW CREEK DRAINAGE	72	0.00	0	193.00
4-2101 TRACT LAND	1-3	12.39	49457	1553.00
4-3149 RES/SUB EXEMPT IMP'S	1-3	0.00	13116	0.00
4-3301 IMPS ON RURAL LAND	1-3	0.00	274432	8617.00
99-0031 BITTERROOT IRRIGATION	31	10.20	0	204.00
99-0042 HAMILTON LIBRARY	42	0.00	0	8447.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	9091.00
99-0125	125	0.00	0	0.00
99-0131 BITTERROOT IRRIGATION	131	1.00	0	160.00
*****				

08/01/06

RAVALLI COUNTY  
 Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description		
-----				
186330				
MC CLUSKEY LYN J		HHE-HAMILTON HEIGHTS		
PO BOX 158	- 004	HAMILTON HEIGHTS		
CORVALLIS MT 59828-0158		PT LOTS 3 & 4 BLK 4		
		AMEND SUB PLAT #808 LOT 4A		
		10.55 AC		
		Geocode: 1468-15-3-01-41-0000		
Class	Dist	Quantity	Market	Taxable/\$
-----				
4-2101 TRACT LAND	1-3	10.55	44951	1411.00
4-3301 IMPS ON RURAL LAND	1-3	0.00	101052	3173.00
99-0031 BITTERROOT IRRIGATION	31	10.10	0	202.00
99-0042 HAMILTON LIBRARY	42	0.00	0	4620.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	4620.00
99-0072 WILLOW CREEK DRAINAGE	72	0.00	0	1411.00
99-0131 BITTERROOT IRRIGATION	131	1.00	0	160.00
*****				

08/01/06

RAVALLI COUNTY  
Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description		
-----				
139400				
NEVILLE JOHN W & LAURA E A/B FAMILY TR	HNE-HAMILTON HEIGHTS			
482 YERIAN LN	- 004	HAMILTON HEIGHTS		
CORVALLIS MT 59828-9395		PT LOTS 6 & 7 BLK 4		
		AMEND SUB PLAT #642 LOT 7A		
		9.69 AC		
		SUBJ TO STATE HWY & EASEMENT		
		136-408		
		Geocode: 1468-15-3-01-14-0000		
Class	Dist	Quantity	Market	Taxable/\$
-----				
4-2101 TRACT LAND	1-3	9.69	42846	1345.00
4-3301 IMPS ON RURAL LAND	1-3	0.00	113000	3548.00
99-0031 BITTERROOT IRRIGATION	31	4.40	0	88.00
99-0042 HAMILTON LIBRARY	42	0.00	0	4988.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	4988.00
99-0131 BITTERROOT IRRIGATION	131	1.00	0	160.00
*****				

08/01/06

RAVALLI COUNTY  
Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description
-----		
186300		
CHRISTENSEN LYN J TRUSTEE OF	HHE-HAMILTON HEIGHTS	
STONE PONY BAKERY & CAFE PSP & TRUST	- 004	HAMILTON HEIGHTS
PO BOX 158		PT LOTS 3 & 4 BLK 4
CORVALLIS MT 59828-0158		AMEND SUB PLAT #808 LOT 3A
		9.00 AC
		Geocode: 1468-15-3-01-15-0000
Class	Dist	Quantity Market Taxable/\$
-----		
4-2101 TRACT LAND	1-3	9.00 41156 1292.00
99-0031 BITTERROOT IRRIGATION	31	9.00 0 180.00
99-0042 HAMILTON LIBRARY	42	0.00 0 1294.00
99-0051 SOIL & WATER CONSERVATION	51	0.00 0 1294.00
99-0072 WILLOW CREEK DRAINAGE	72	0.00 0 1294.00
99-0131 BITTERROOT IRRIGATION	131	1.00 0 160.00
*****		

08/01/06

RAVALLI COUNTY  
 Property Print 2006

Page: 1

Name	TW Rang	SC	Legal Description		
-----					
139410					
SHATNEY JAMES A & IRENE M			HHE-HAMILTON HEIGHTS		
632 MIHARA LANE		005- 004	HAMILTON HEIGHTS		
CORVALLIS MT 59828-9398			W1/2 LT 5 BLK 4		
			4.82 AC		
			Geocode: 1468-15-3-01-13-0000		
Class	Dist	Quantity	Market	Taxable/\$	
-----					
4-2101 TRACT LAND	1-3	4.82	30921	971.00	
4-3301 IMPS ON RURAL LAND	1-3	0.00	104458	3280.00	
99-0031 BITTERROOT IRRIGATION	31	4.60	0	92.00	
99-0042 HAMILTON LIBRARY	42	0.00	0	4251.00	
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	4251.00	
99-0072 WILLOW CREEK DRAINAGE	72	0.00	0	971.00	
99-0125	125	0.00	0	0.00	
99-0131 BITTERROOT IRRIGATION	131	1.00	0	160.00	
*****					

**PETITION FOR VOLUNTARY ZONING DISTRICT  
YERIAN-MIHARA DISTRICT  
RAVALLI COUNTY, MONTANA**

The undersigned owners of property within the proposed district, hereby petition the County Commissioners of Ravalli County, Montana to establish the Yerian-Mihara Voluntary Zoning District, pursuant to the following terms and conditions:

Property Within the District. The following properties shall be within the Yerian-Mihara Voluntary Zoning District:

Township 6 North, Range 20 West, Section 15, Hamilton Heights:  
Block 4, Lots 1-A, 2-A, 3-A, and 4-A, 5, 5-B, 6-A and 7A  
Block 5, Lots 5-B, 6-A, 9-A, 10-A, 11 and 12

Area Within the District. The area within the District is approximately 110.32 acres.

Development Pattern. The following development pattern provisions are proposed for the Yerian-Mihara Voluntary Zoning District:

1. The minimum lot size shall be determined by lot sizes existing on January 1, 2006. No lot shall be further divided or subdivided after January 1, 2006.
2. All lots are restricted to residential and agricultural use only, except as otherwise provided in paragraph 3 below.
3. No more than one single-family dwelling shall be permitted on any lot, provided that this restriction shall not prohibit (a) reasonable accommodations for the temporary housing of guests and family not to exceed 6 months in any 12 month period, whether or not such accommodations are part of or separate from the main residential dwelling, or (b) the conduct of a home occupation as long as the office or facilities for such are contained entirely within the main residential dwelling and as long as the main residential dwelling is used as a dwelling. Nothing in this paragraph shall exempt from county subdivision review any activity that would otherwise be subject to such review.
4. All residences, structures, and buildings shall be setback from property lines at least 25 feet.

Nonconforming Uses and Structures. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans or construction of any building on which actual construction was lawfully begun prior to the effective date of these regulations. A lawful use of land existing on the effective date of these regulations, made no longer permissible by these regulations, may be continued so long as it remains otherwise lawful.

Variances.

Procedures for Variance Requests

1. Applications for a variance to the Board of County Commissioners may be submitted by any person by filing an Application for Variance with the Ravalli County Planning Department. Application forms shall be available at the Ravalli County Planning Department. Fees shall be required to be paid by the applicant in the amounts established in a fee schedule adopted by the Ravalli County Commissioners.
2. The Application for Variance must identify the applicant, identify the property at issue, identify the owner of the property and explain the relationship between the applicant and owner (if different), describe the factual background and particulars of the variance requested, set forth the specific reasons for requesting the variance, and explain how the applicant believes the variance criteria set forth herein are satisfied. Applications for variances shall be reviewed by staff for completeness, and shall be returned to the applicant without further processing if determined not to meet the requirements of this section.
3. The Ravalli County Planning Department shall fix a reasonable time for the Board of County Commissioners hearing of the variance request.
4. The Ravalli County Planning Department shall publish two(2) notices, one (1) week apart in a newspaper of general County circulation, the first of which shall appear at least fifteen (15) days prior to the public hearing. The notice shall contain a brief description of the variance request; the location of the property; the date, time and place of the public hearing; and the statement that the application is on file for public inspection at the Planning Department.
5. The Ravalli County Planning Department shall send written notification of the variance request to the property owners according to the following procedures:
  - a. Mailing lists shall include all persons listed in the most current available data in County Records who own the subject property(s) and property in the Yerian-Mihara Voluntary Zoning District.
  - b. The mailing shall be made at least fifteen (15) days prior to the public hearing.
  - c. The notice shall contain a brief description of the nature of the application; the time, place and date of the public hearing; and the phone number and address of the Planning Department.
6. At the hearing any party may appear in person or be represented by an agent or attorney.



Requirements for Granting a Variance

1. To grant a variance the Board of County Commissioners must make findings that:
  - a. granting the variance will not be contrary to the public interest or injurious to the neighborhood; and
  - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
  - c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue.
2. Neither the permitted nor nonconforming use of other lands, structures or buildings in the jurisdiction is grounds for the issuance of a variance.
3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for variance purposes.

Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.

This PETITION is submitted as of the 1<sup>st</sup> day of July, 2006.

The undersigned property owners hereby join in this PETITION FOR VOLUNTARY  
ZONING DISTRICT: YERIAN-MIHARA DISTRICT, RAVALLI COUNTY,  
MONTANA

Township 6 North, Range 20 West, Section 15, Hamilton Heights,  
Block 4, Lot 6-A:

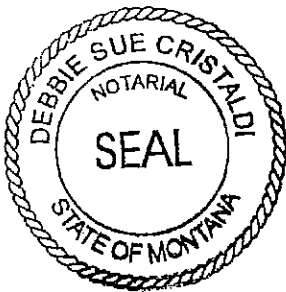
Joseph M. Rousoff  
Joseph M. Rousoff, Trustee of the Rousoff Family Trust  
468 Yerian Lane  
Corvallis, MT 59828

Rose C. Rousoff  
Rose C. Rousoff, Trustee of the Rousoff Family Trust  
468 Yerian Lane  
Corvallis, MT 59828

*St of Montana  
County of Ravalli*

On this 5 day of July, 2006, before me the undersigned Notary for the State  
of Montana, personally appeared Joseph M Rousoff +  
Rose C. Rousoff known to me (or proved to me on the oath of  
attesting to the content of this document)  
To be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to that they executed the same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the  
day and year first written

Debbie Sue Cristaldi  
Notary for the State of Montana  
Residing at Stevensville MT  
My commission expires: 02/14/2010



08/31/06

RAVALLI COUNTY  
 Property Print 2006

Page: 1

Name	TW Rang SC	Legal Description		
-----				
139490				
ROUSOFF FAMILY TRUST		HHE-HAMILTON HEIGHTS		
468 YERIAN LN		- 004 HAMILTON HEIGHTS		
CORVALLIS MT 59828-9395		PT LOTS 6 & 7 BLK 4		
		AMEND SUB PLAT #642 LOT 6A		
		9.68 AC		
		Geocode: 1468-15-3-01-25-0000		
Class	Dist	Quantity	Market	Taxable/\$
-----				
99-0072 WILLOW CREEK DRAINAGE	72	0.00	0	139.00
3-1501 TILLABLE NON-IRR CONT CROPPED	1-3	5.00	3739	117.00
3-1601 GRAZING LAND	1-3	3.68	113	4.00
4-2001 1 ACRE FARMSTEAD AG	1-3	1.00	581	18.00
4-3109 IMPS ON AG/TMBR OBYS	1-3	0.00	11336	356.00
4-3110 IMPS ON AG/FOREST LAND	1-3	0.00	102192	3209.00
4-3149 RES/SUB EXEMPT IMP'S	1-3	0.00	6885	0.00
99-0031 BITTERROOT IRRIGATION	31	4.40	0	88.00
99-0042 HAMILTON LIBRARY	42	0.00	0	3704.00
99-0051 SOIL & WATER CONSERVATION	51	0.00	0	3704.00
99-0125	125	0.00	0	0.00
99-0131 BITTERROOT IRRIGATION	131	1.00	0	190.00
*****				